

Judge Casey

06 CV 4828

502-05/MEU  
FREEHILL HOGAN & MAHAR, LLP  
Attorneys for Plaintiff  
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Michael E. Unger (MU-0045)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HYUNDAI MERCHANT MARINE CO., LTD.,

06 CIV \_\_\_\_\_ ( )

Plaintiff,

-against-

**UNGER AFFIDAVIT  
PURSUANT TO RULE B(1)**

ALFA SAI MINERALS PVT., LTD.,

Defendant.  
-----X

State of New York )  
 ) ss.:  
County of New York )

MICHAEL E. UNGER, being duly sworn, deposes and says as follows:

1. I am a partner with the law firm of Freehill Hogan & Mahar, LLP, attorneys for Plaintiffs herein.

2. This Affidavit is submitted pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure.

3. Deponent has made an investigation and deponent believes that based upon the results of this investigation, the Defendant is a corporation or other business entity which cannot be "found" within this District for the purpose of an attachment

under Rule B. In support of this position, deponent has conducted the following investigation:

(a) Deponent contacted the office of the New York Department of State, Division of Corporations June 19, 2006, via the official Department of State website at <http://www.dos.state.ny.us> and conducted a search for a corporations named "ALFA SAI MINERALS PVT., LTD." and the search result indicated that ALFA SAI MINERALS PVT., LTD. is not a New York corporation, nor is it licensed, authorized or registered to do business in the State of New York as either a domestic or international corporation;

(b) Deponent consulted with Directory Assistance for New York on June 19, 2006 for area codes (212), (718), (917), (646), (914), and (845) and no listing for ALFA SAI MINERALS PVT., LTD. was located;

(c) Deponent reviewed the Journal of Commerce (Business Directory) Transportation Telephone Tickler, 2006 Edition (Vol. 1 New York Metropolitan Area) and no listing was found for ALFA SAI MINERALS PVT., LTD.

(d) Deponent accessed on June 19, 2006, through Microsoft Internet Explorer and Yahoo! Search engines the yellow pages telephone directory database and found no listing in that database for any office or agent of ALFA SAI MINERALS PVT., LTD. in the State of New York;

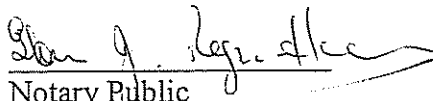
(e) Deponent searched on June 19, 2006, through Microsoft Internet Explorer and Yahoo! Search engines for Defendant and found no listing for any office or agent of ALFA SAI MINERALS PVT., LTD. in the State of New York;

(f) Deponent is unaware of any general or managing agent(s) within this District for ALFA SAI MINERALS PVT., LTD.

4. Based upon the foregoing, your deponent submits that Defendant ALFA SAI MINERALS PVT., LTD. cannot be "found" within this District for the purpose of an attachment pursuant to Rule B and seeks an order of attachment against the tangible and intangible property of ALFA SAI MINERALS PVT., LTD. as may be found within this District up to and including the amount of the claim as specified in the Verified Complaint.

  
MICHAEL E. UNGER (MU 0045)

Sworn to before me this  
22<sup>nd</sup> day of June 2006

  
Notary Public

GLORIA J. REGIS HOSEIN  
Notary Public, State of New York  
No. 01RE6065625, Qualified in Kings County  
Certificate Filed in New York County  
Commission Expires October 22, 2009